

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JESUS GARCIA LEE	§	PLAINTIFF
	§	
v.	§	CAUSE NO. 1:10CV67 LG-RHW
	§	
PAT OLSEN, ET AL.	§	DEFENDANTS

**ORDER ADOPTING PROPOSED FINDINGS OF
FACT AND RECOMMENDATIONS, GRANTING
MOTIONS FOR SUMMARY JUDGMENT,
AND DISMISSING PLAINTIFF'S COMPLAINT**

This cause comes before the Court on the Proposed Findings of Fact and Recommendation of United States Magistrate Judge Robert H. Walker entered on May 16, 2011. Plaintiff brought this prisoner civil rights suit pursuant to 42 U.S.C. § 1983. Magistrate Judge Walker reviewed Plaintiff's efforts to locate and serve one of the Defendants, Christine Hood. Despite receiving assistance from Defendants' counsel and extensions of time from the Court, Plaintiff has not effected service on Hood. The Magistrate Judge therefore recommended that Plaintiff's claims against Hood be dismissed without prejudice.

The Magistrate Judge further reviewed the summary judgment motions filed by the remaining two named Defendants, Kenissia Clark and Pat Olsen, concluding that they cannot be held liable pursuant to § 1983 because they were sued solely in their supervisory capacities. Therefore, the Plaintiff had failed to show that there was a question of material fact for the jury. Accordingly, Judge Walker recommended that the summary judgment motions be granted, and the claims against Defendants Kenissia Clark and Pat Olsen be dismissed with prejudice.

There has been no objection to the Proposed Findings of Fact and Recommendation filed. Where no party has objected to the Magistrate Judge's Proposed Findings of Fact and Recommendation, the Court need not conduct a de novo review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Proposed Findings of Fact and Recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court finds that the Magistrate Judge's Proposed Findings of Fact and Recommendation is neither clearly erroneous nor contrary to law. Therefore, the Court, being duly advised in the premises, finds that said Proposed Findings of Fact and Recommendation should be adopted as the opinion of this Court.

IT IS THEREFORE ORDERED AND ADJUDGED that the Proposed Findings of Fact and Recommendation of United States Magistrate Judge Robert H. Walker entered in this cause on May 16, 2011 [38] should be, and the same hereby is, adopted as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the Plaintiff's claims against Christine Hood are **DISMISSED** without prejudice pursuant to FED. R. CIV. P. 4(m).

IT IS FURTHER ORDERED AND ADJUDGED that the Motion for

Summary Judgment [32] filed by Kenissia Clark and the Motion for Summary Judgment [34] filed by Pat Olsen are **GRANTED** and the claims against them **DISMISSED** with prejudice pursuant to FED. R. CIV. P. 56.

SO ORDERED AND ADJUDGED this the 15th day of June, 2011.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE